

76-6-402 Presumptions and defenses.

The following presumption shall be applicable to this part:

- (1) Possession of property recently stolen, when no satisfactory explanation of such possession is made, shall be deemed prima facie evidence that the person in possession stole the property.
- (2) It is no defense under this part that the actor has an interest in the property or service stolen if another person also has an interest that the actor is not entitled to infringe, provided an interest in property for purposes of this subsection shall not include a security interest for the repayment of a debt or obligation.
- (3) It is a defense under this part that the actor:
 - (a) Acted under an honest claim of right to the property or service involved; or
 - (b) Acted in the honest belief that he had the right to obtain or exercise control over the property or service as he did; or
 - (c) Obtained or exercised control over the property or service honestly believing that the owner, if present, would have consented.

Amended by Chapter 32, 1974 General Session